

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 507

Introduced by Pirsch, 4.

Read first time January 21, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-323, Reissue Revised Statutes of Nebraska; to change
3 provisions and penalties regarding domestic assault in
4 the third degree; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-323, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-323 (1) A person commits the offense of domestic
4 assault in the third degree if he or she:

5 (a) Intentionally, ~~and~~ knowingly, or recklessly causes
6 bodily injury to his or her intimate partner; or

7 (b) ~~Places, by physical menace, his or her~~ Threatens an
8 intimate partner in ~~fear of imminent bodily injury,~~ a menacing
9 manner.

10 (2) A person commits the offense of domestic assault in
11 the second degree if he or she intentionally and knowingly causes
12 bodily injury to his or her intimate partner with a dangerous
13 instrument.

14 (3) A person commits the offense of domestic assault in
15 the first degree if he or she intentionally and knowingly causes
16 serious bodily injury to his or her intimate partner.

17 (4) Violation of subsection (1) of this section is a
18 Class I misdemeanor, except that for any second or subsequent
19 violation of such subsection, ~~within twelve years after the date of~~
20 ~~the current conviction,~~ any person so offending against the same
21 intimate partner is guilty of a Class IV felony.

22 (5) Violation of subsection (2) of this section is
23 a Class IIIA felony, except that for any second or subsequent
24 violation of such subsection, ~~within twelve years after the date of~~
25 ~~the current conviction,~~ any person so offending against the same

1 ~~intimate partner~~ is guilty of a Class III felony.

2 (6) Violation of subsection (3) of this section is
3 a Class III felony, except that for any second or subsequent
4 violation under such subsection, ~~within twelve years after the date~~
5 ~~of the current conviction,~~ any person so offending against the same
6 ~~intimate partner~~ is guilty of a Class II felony.

7 (7) For purposes of this section, intimate partner means
8 a spouse; a former spouse; persons who have a child in common
9 whether or not they have been married or lived together at
10 any time; and persons who are or were involved in a dating
11 relationship. For purposes of this subsection, dating relationship
12 means frequent, intimate associations primarily characterized by
13 the expectation of affectional or sexual involvement, but does not
14 include a casual relationship or an ordinary association between
15 persons in a business or social context.

16 Sec. 2. Original section 28-323, Reissue Revised Statutes
17 of Nebraska, is repealed.